



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/290,170 04/13/99 ARITA

H H-7769

MM92/0124  
FAY SHARPE BEALL FAGAN MINNICH & MCKEE  
104 EAST HUME AVENUE  
ALEXANDRIA VA 22301

EXAMINER
----------

FLEMING, F

ART UNIT	PAPER NUMBER
----------	--------------

2836

DATE MAILED:  
01/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

BEST AVAILABLE COPY

# Office Action Summary

Application No.

09/290,170

Applicant(s)

ARITA ET AL.

Examiner

Fritz M. Fleming

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.


- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

  
FRITZ FLEMING  
PRIMARY EXAMINER  
GROUP 2100

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 30 November 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_

Art Unit: 2836

### **DETAILED ACTION**

1. It is to be noted that the independent claims 1-3 are drafted in the JEPSON format, thus making an implied admission of prior art of the preamble elements. The examiner thus interprets the preamble elements to be admitted prior art and hence the improvement portions of the claims are what applicants deem to be novel and lacking from the admitted prior art. Thus applying this admission of prior art to claim 17 results in a similar treatment of that claim. See MPEP 2129.

#### ***Claim Rejections - 35 USC § 103***

2. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art of the JEPSON format preamble elements in view of NEW SCIENTIST.

The preambles set forth cross border power transfer with path mounted measuring equipment. What is lacking is control and generation of electricity and its directional flow based upon the output of the measuring equipment. NEW SCIENTIST clearly sets forth many objectives and advantages of a global power grid. In order to address the independent claims, it sets forth at page 4 that the international links allow for exportation of spare generating capacity from France to meet peak load demand in Britain. This is clearly indicative of the knowledge of capacity and demand in both France and Britain so as to be able to meet the loads of both. Note also the exportation of Swiss power to France to meet peak load demand. Thus numerous examples of cross border electricity traffic is given for the purpose embodied in the independent

Art Unit: 2836

claims. Thus it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the admitted prior art per the teachings of the New Scientist for the purpose of being able to share generating capacity and smooth out surges in demand by exporting spare generating capacity from one country to another when the peak loads in the countries differ. This clearly requires the ability to know and sense when peak power is need in one country so that the surplus from another country can be supplied when it is needed. Thus the combination renders the claims obvious. The New Scientist also teaches many other features, rendering other claims obvious as well. Note the use of numerous types of power (hydro, geothermal). Note the supplying of Africa with a single grid, thus covering numerous time zones as well as above and below equatorial distribution. Since numerous countries of differing monetary units and languages are involved, it is obvious that complex cross border systems take into account such factors and provide means to accommodate for such in order to effectively carry out the business dealings fairly, effectively, and equitably. Clearly such cross border systems also require sophisticated communications systems and hence the mere inclusion of such are deemed to be obvious subject matter within the level of ordinary skill in the art. Certain monetary units (i.e. US Dollar, Swiss Franc, Deutsch Mark) are recognized standards of international trade and hence to peg transactions to such is merely common business practice well known to those skilled in the art. Note the discussion of laying of cables, an Alaska link, thus rendering obvious the "transport route of another kind of energy" as pipelines for gas and oil are commonly

Art Unit: 2836

run underwater and across Alaska. Note also a grid for the Pacific Ocean "ring of fire". Note the use of DC links for German/Czech crossings. The trading of emissions credits in electricity production is well-known and hence obvious subject matter. Common sense dictates that power flow from "good" to "poor" producers as a "good" producer would not want to rely upon a "poor" source as such would simply contravene sound business practice.

### ***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2836

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The CIGRE article was mentioned by applicants but not supplied by them and is now being made of record by the examiner. The remainder of the articles shows other well-known facets of cross border power arrangements as well as determinations of grid transfers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz M. Fleming whose telephone number is 703.308.1483. The examiner can normally be reached on Tu-F 0530-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Josie Ballato can be reached on 703.308.0269. The fax phone numbers for the organization where this application or proceeding is assigned are 703.308.7722 for regular communications and 703.308.7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1782.



Fritz M. Fleming  
Primary Patent Examiner  
Art Unit 2836

ff  
January 19, 2001